IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6615 of 1997

Between:

Emandi Satyanarayana, S/o. E.Suryanarayana (Late),
R/o. K.Kotapadu, Visakhapatnam District..

..... PETITIONER

AND

Asst. Executive Engineer, Roads and Buildings,
Chodavaram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly in the nature of Writ of Mandamus declaring the notice dt. 12-3-97 issued by the respondent as illegal, violative of principles of Natural Justice, Contrary to law, highly arbitrary and infringing the fundamental rights guaranteed under Articles 16, 19(i) (g) and 300 A of the constitution of India.

Counsel for the Petitioner:BH.BHARATHI DEVI

Counsel for the Respondent No.: GP FOR ROADS & BUILDINGS

The Court made the following :

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ORDER:

The Writ Petition is filed for a writ of mandamus declaring notice dated 12-3-1997 issued by the respondent as illegal, violative of principles of natural justice, contrary to law, highly arbitrary and infringing fundamental rights guaranteed under Articles 16, 19(1)(g) and 300-A of Constitution of India and to pass such other suitable orders.

It is stated that the petitioner is living in the house since his father's time and the Government is collecting encroachment tax from the year 1953. It is also stated that there are several other similarly placed persons and no action had been initiated on the said other occupants and there is discrimination since the writ petitioner alone had been chosen.

This Court granted interim stay of demolition and dispossession on 1-4-1997. No counter is forthcoming. The respondent herein is the Assistant Executive Officer, Roads & Buildings, Chodavaram. In the facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

The possession of the writ petitioner relating to the subject matter of

the Writ Petition shall not be disturbed either by the respondent or by any other competent authority except by following the due process of law in this regard. No order as to costs.

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P.S. Narayana.,J

Date : 3-2-2005

AM

To:

1. Asst. Executive Engineer, Roads and Buildings,
   Chodavaram.

2. 2 C.Cs. to Government Pleader for Roads & Buildings,

High Court of Andhra Pradesh,

High Court Buildings,

Hyderabad (OUT).

3. 2 C.D. copies